

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

FEB 21 2020

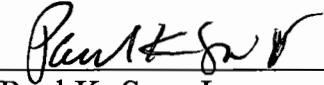
PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
BY  DEP CLKMISC. CASE NO.: 5:20-mc-4

In re: )  
 ) **EX PARTE APPLICATION FOR**  
APPLICATION OF MOTHER'S ) **ORDER TO OBTAIN**  
MILK, INC., FOR *EX PARTE* ) **DISCOVERY IN FOREIGN**  
ORDER TO OBTAIN DISCOVERY ) **PROCEEDING**  
FOR USE IN FOREIGN )  
PROCEEDINGS ) 28 U.S.C. § 1782(a)  
)

Mother's Milk, Inc. ("Mother's Milk"), through counsel, respectfully applies to the Court for an order, pursuant to 28 U.S.C. § 1782(a), directing that testimony be given, and documents produced, by Motif Medical, LLC, for use in a pending proceeding brought by Mother's Milk in the Republic of Korea. In support of this application, Mother's Milk relies on its accompanying memorandum and the declarations of Hwan Sung Park (attached as Exhibit 1), Heidi Humphries (attached as Exhibit 2), Christopher Foley (attached as Exhibit 3), and Adam Arnold (attached as Exhibit 4). Mother's Milk is also submitting proposed subpoenas reflecting the discovery sought (attached as Exhibits 5 and 6), and a proposed order directing that the testimony be taken and the documents produced in accordance with the Federal Rules of Civil Procedure (attached as Exhibit 7).

This the 21st day of February, 2020.

ELLIS & WINTERS LLP

  
\_\_\_\_\_  
Paul K. Sun, Jr.  
N.C. Bar No. 16847  
Kelly Margolis Dagger  
N.C. Bar No. 44329  
Post Office Box 33550  
Raleigh, North Carolina 27636  
Telephone: (919) 865-7000  
Facsimile: (919) 865-7010  
paul.sun@elliswinters.com  
kelly.dagger@elliswinters.com

*Counsel for Applicant Mother's Milk,  
Inc.*

OF COUNSEL

Christopher P. Foley  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
901 New York Avenue, NW  
Washington, DC 20001-4413  
Telephone: (571) 203-2720  
Facsimile: (202) 408-4400  
christopher.foley@finnegan.com

Robert A. Weikert  
Nixon Peabody LLP  
One Embarcadero Center  
32<sup>nd</sup> Floor  
San Francisco, CA 94111  
Telephone: (415) 984-8200  
Facsimile: (415) 984-8300

Jeffrey L. Costellia  
Lauren J. Arnold  
Nixon Peabody LLP  
799 9<sup>th</sup> Street, N.W.  
Washington, DC 20001-5327  
Telephone: (202) 585-8000  
Facsimile: (202) 585-8080